

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

AMERICAN NATIONAL INSURANCE	)	
COMPANY,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 06-237
	)	
RUTH A. WILDS and JOAN L. GEIGER,	)	
	)	
Defendants.	)	

**JOINT MOTION TO WITHDRAW FUNDS  
PURSUANT TO FED.R.CIV.P.67**

Now comes defendants Ruth A. Wilds (“Wilds”) and Joan L. Geiger (“Geiger”) (collectively, “Defendants”), through their undersigned counsel, and move this Court to distribute funds deposited with the Court by former plaintiff American National Insurance Company (“ANICO”) in the above-captioned action. In support hereof, Defendants state as follows:

WHEREAS, this action arose out of a dispute between two sisters, Geiger and Wilds, over an annuity issued by ANICO to Defendants’ mother, the late Ruth L. Geiger (“Mrs. Geiger”); and

WHEREAS, in connection with such dispute, ANICO filed a Complaint for Interpleader and Declaratory Relief on April 10, 2006 (subsequently amended on May 10, 2006), which case was assigned to then-District Court Judge Kent Jordan; and

WHEREAS, on May 15, 2006, ANICO deposited \$114,791.26 with the Clerk of the Court of the U.S. District Court for the District of Delaware, representing the proceeds of the Annuity, which funds were placed in an interest-bearing money market account at Wachovia Bank (the “Account”) pending the outcome of this litigation; and

WHEREAS, ANICO was dismissed from this case on August 10, 2006; and

WHEREAS, Judge Jordan was subsequently appointed to the Third Circuit Court of Appeals, whereupon Magistrate Judge Mary Pat Thyng assumed the responsibility for administering this case;

WHEREAS, following court-ordered mediation with Magistrate Thyng on September 20, 2007, Defendants agreed to settle the present action (the "Settlement"); and

WHEREAS, under the terms of the Settlement, Defendants agreed to split equally the proceeds of the Account; provided, however, that Wilds is required to pay Geiger and deduct from her share of the Account an amount equal to one-half of the costs incurred by Geiger in connection with their mother's funeral; and

WHEREAS, the parties further agreed that Wilds would request that ANICO issue IRS Form 1099's to each Defendant in an amount equal to her respective share of the Account, which ANICO has agreed to do; and

WHEREAS, upon satisfaction of the terms of the Settlement, the parties shall dismiss this action with prejudice; and

WHEREAS, to the extent required, the parties hereby consent to the jurisdiction and authority of Magistrate Judge Thyng to adjudicate this case and sign all orders in connection with this action.

NOW THEREFORE, Defendants respectfully request that the Court grant the present Motion and enter the attached Order releasing all proceeds of the Account (including interest but minus any fees retained by the Court) to Geiger's counsel, Buchanan, Ingersoll & Rooney, P.C., to be distributed to the parties in accordance with the Order.

October 29, 2007

Respectfully Submitted,

/s/ Andrew H. Lippstone

Richard A. Forsten, Esquire (No. 2543)  
James D. Taylor, Jr., Esquire (No.4009)  
Andrew H. Lippstone, Esquire (No. 4117)  
BUCHANAN INGERSOLL & ROONEY, P.C.  
1000 West Street, Suite 1410  
Wilmington, DE 19801  
(302) 552-4200  
*Attorneys for Defendant Joan L. Geiger*

/s/ Donald L. Gouge, Jr.

Donald L. Gouge, Jr., Esquire (No. 2234)  
HEIMAN, GOUGE & KAUFMAN, LLP  
800 King Street, Suite 303  
P.O. Box 1674  
Wilmington, DE 19801  
(302) 658-1800  
*Attorney for Defendant Ruth L. Wilds*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

AMERICAN NATIONAL INSURANCE	)	
COMPANY,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 06-237
	)	
RUTH A. WILDS and JOAN L. GEIGER,	)	
	)	
Defendants.	)	

**ORDER**

This Court, upon consideration of Defendants' Joint Motion to Return Funds, hereby orders that said Motion be GRANTED. In connection therewith, the Court hereby orders that:

1. The proceeds of the money market account at Wachovia Bank opened in connection with this action on or about May 15, 2006 ("Account"), including interest thereupon but minus any fees to be retained by the Court (the "Proceeds"), shall be released to Geiger's counsel, Buchanan, Ingersoll & Rooney, P.C. ("Escrow Agent"). As of October 18, 2007, the Proceeds totaled \$122,195.93.

2. Upon distribution of the Proceeds, the Account shall be closed by the Court.

3. Escrow Agent shall distribute the Proceeds as follows:

a. One-half of the Proceeds shall be released to Defendant Ruth A. Wilds ("Wilds"), minus \$3,550.73, representing an amount equal to one-half of the costs incurred and advanced by Defendant Joan L. Geiger ("Geiger") in connection with the funeral of Defendants' mother.

b. One-half of the Proceeds shall be released to Geiger, plus an additional \$3,550.73 to be deducted from Wilds' share as set forth above.

3. Wilds agrees to procure from ANICO IRS Form 1099's for Wilds and Geiger showing amounts equal to Defendants' respective shares of the Proceeds.

4. Upon satisfaction of the above conditions, the parties shall promptly move to dismiss this action with prejudice.

So ORDERED on this \_\_\_\_ day of \_\_\_\_\_, 2007.

---

Hon. Mary Pat Thyng  
Magistrate Judge